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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/580,272  | 05/25/2000  | Rocco A. DiValentino | PALM-3085.U.S.P     | 9398             |
| 49637 7590 06/20/2008<br>BERRY & ASSOCIATES P.C.<br>9255 SUNSET BOULEVARD<br>SUITE 810<br>LOS ANGELES, CA 90069 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| MIRZA, ADNAN M  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2145  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 06/20/2008  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/580,272

**Applicant(s)**

DVALENTINO, ROCCO A.

**Examiner**

ADNAN M. MIRZA

**Art Unit**

2145

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims, 1,9,19 recites the limitation "by adaptation means" in claim language. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer et al (U.S. 6,247,048), Bennett et al (U.S. 6,122,670) and Solymar et al (U.S. 6,244,758).

As per claims 1,9 Greer disclosed a method of communicating with a peripheral computer system comprising the steps of: a) creating a two-way communication link from said peripheral computer system with a host computer system using one transport mechanism of a plurality of possible transport mechanisms (col. 2, lines 1-8, col. 3, lines 65-67 & col. 4, lines 1-9); b) said host computer system recognizing said one transport mechanism used in step a) by an adaptation means (col. 7, lines 10-19); c) said host computer system determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism

used in step (col. 4, lines 18-33); , said at least one protocol comprising data compression, data decompression and data encryption (col. 7, lines 42-67).

However Geer did not disclose in details a), wherein said determining comprises indexing a table with said one transport mechanism recognized in said b) to determine at least one parameter in the communication protocol, and wherein said table comprises parameters that are designed to improve communication based on the transport mechanisms;

In the same field of endeavor Bennett disclosed the protocol logic subsystem verifies that the IP header checksum result is correct, before the sending the data gram to IP process, via bus, protocol logic bus, i900 bridge, bus, bus interface and PCI bus. If either the IP header checksum or the TCP segment checksum results are incorrect, protocol logic subsystem discards the data gram (does not send the data gram to PCI bus) (col. 6, lines 34-43).

However Greer-Bennett did not go in details as d) said host computer system communicating information to said peripheral computer system based on said communication protocol determined at step c).

In the same field of endeavor solymar disclosed alternatively or simultaneously, client computer may be connected to the Internet through private network having gateway to the Internet or the equivalent. In alternative embodiment, client computer may be linked to Internet provider and private network via wireless links and respectively. For illustrative purposes, the communication

link is a SLIP link (col. 6, lines 62-67 & col. 7, lines 1-4). The SLIP stands for Serial Link Interface Protocol.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the protocol logic subsystem verifies that the IP header checksum result is correct, before the sending the data gram to IP process, via bus, protocol logic bus, i900 bridge, bus, bus interface and PCI bus. If either the IP header checksum or the TCP segment checksum results are incorrect, protocol logic subsystem discards the data gram (does not send the data gram to PCI bus). Alternatively or simultaneously, client computer may be connected to the Internet through private network having gateway to the Internet or the equivalent. In alternative embodiment, client computer may be linked to Internet provider and private network via wireless links and respectively. For illustrative purposes, the communication link is a SLIP link as taught by Bennett and Solymar in the method of Greer to increase the stability of the methodology and provides an improved means for inexpensively and reliably locating lost or stolen items.

3. As per claims 2,11 Greer-Bennett-Solymar disclosed wherein said plurality of transport mechanisms comprises: communication via a serial line coupled to said host computer; communication via a networked line coupled to said host computer using a network; communication via a wireless link to said host computer; and communication via the Internet (Solymar, col. 5, lines 34-50).

4. As per claims 3,14 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) restricts data volume communicated to said peripheral computer system (Greer, col. 8, lines 3-12).

5. As per claims 4,15 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) selects a particular user authentication protocol (Greer, col. 4, lines 12-18).

As per claims 5,16 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) selects a particular data encryption protocol performed to establish data communication between said peripheral computer system and host computer system (Solymar, col. 6, lines 45-62).

6. As per claims 6,17 Greer-Bennett-Solymar disclosed wherein said communication protocol determined at step c) selects a particular data set that can be accessed by said peripheral computer system (Greer, col. 4, lines 18-41).

7. As per claims 7,18 Greer-Bennett-Solymar disclosed wherein said peripheral computer system is a personal digital assistant (PDA) (Solymar, col. 5, lines 1-6).

8. As per claims 8,10,12,13,20,21 Greer-Bennett-Solymar disclosed further comprising the step of e) updating said plurality of communication protocols by updating said plurality of communication protocols wherein said step comprises the steps of: e1) allowing a first set of said

plurality of communication protocols to be updated by a system administrator (Greer, col. 4, lines 18-41), said first set applied to all users; and e2) allowing a second set of said plurality of communication protocols to be updated by a given user accessing said host computer system with said peripheral computer system, said second set applicable only to said given user (Greer, col. 3, lines 45-62).

9. As per claim 19 Greer-Bennett-Solymar disclosed an apparatus for transferring information on a host computer system and a personal digital assistant, said apparatus comprising a two-way communication link, said communication link, said communication link being made on one transport mechanism of a plurality of transport mechanisms (Greer, col. 2, lines 1-8, col. 3, lines 65-67 & col. 4, lines 1-9); architecture on said host computer system, said architecture for determining said one transport mechanism of a plurality of transport mechanisms; adaptation software residing on said host computer system, said adaptation software operable to determine a communication protocol from a plurality of communication protocols based on said one transport mechanism (Greer, col. 4, lines 18-33); said communication protocol determined by said adaptation software (Greer, col. 7, lines 42-67); communication software residing on said host computer system, said communication software operable to transfer data between said host computer system and said peripheral computer system based on said communication protocol determined by said adaptation software (Greer, col. 4, lines 12-17).

***Response to Arguments***

Request for reconsideration of applicant's arguments filed 10/29/2007 have been fully considered but they are not persuasive. Response to the arguments are as follows.

A. Applicant argued that prior art did not disclose, "Communication protocol comprising data compression, data decompression and data encryption".

As to applicant's argument Greer disclosed, "The accept-charset attribute specifies the list of character encodings for input data that must be accepted by the server processing this form. The value is a space-and/or comma-delimited list of charset values. The server must be able to accept any single character encoding per entity received. Once a client knows that character set accepted by a server, the client can then post data to the server (col. 7, lines 42-48).

B. Applicant argued that Greer did not teach or suggest an adaptation means for recognizing the transport mechanism.

As to applicant's argument Greer disclosed, "However If the character sets do not match, then the character set transcoder transcodes the response from Internet server into the character set used by the mobile computing device at 480. The character set used by the mobile computing device was set during the session creation or specified in the get request (col. 7, lines 10-19)".



C. Applicant argued that Greer did not teach or suggest a personal digital assistant including a two-way communication link being made on one transport mechanism out of a plurality of transport mechanisms where the architecture on the host computer system includes adaptation software operable to determine a communication protocol.

As to applicant's argument Greer disclosed, "The present invention has been made in consideration of the above described problems and needs, and has particular navigation of internet web pages using two-way interactive communication device, such as a mobile device, mobile phone, landline telephone or an internet capable remote controller. The present invention discloses a system for transcoding character sets between Internet hosts and thin client devices over data networks. A proxy server is provided an intermediary between Internet hosts and the thin client devices over data networks. A proxy server is provided as an intermediary between the Internet hosts and this client devices over data networks (col. 2, lines 1-9).

D. Applicant argued that prior art did not disclose, "determining a communication protocol from a plurality of possible communication protocols based on said one transport mechanism".

As to applicant's argument solymar disclosed client computer may be connected to the Internet through private network having gateway to the Internet or the equivalent. In alternative embodiment, client computer may be linked to Internet provider and private network via wireless links and respectively. For illustrative purposes, the communication link is a SLIP link (col. 6,

lines 62-67 & col. 7, lines 1-4). One ordinary skill in the art at the time of the invention can interrupt the different links either wireless or respectively can be used by the client. Where as one of the communication link is a SLIP link.

E. Applicant argued that prior art did not provide motivation to combine the references in the manner claimed.

As to applicant's argument In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Solymar in the method of Greer to increase the stability of the methodology and provides an improved means for inexpensively and reliably locating lost or stolen items. Also enables the security system to initiate a call to the host monitoring system even when the client is running a different Internet application.

F. Applicant argued that prior art did not disclose "determining at least one parameter in a communication protocol by indexing a table with one transport mechanism, wherein said table

comprises parameters that are designed to improve communication, based on the transport mechanism”.

As to applicant’s arguments Bennett disclosed “Protocol Logic subsystem determines whether the connection identifier (ID) of the current command in list 42 matches the connection identifier for the currently processed datagram (step 10). (In this patent application, the term condition identifier include three quantities; receiver port number, receiver IP address and sender port number.). If the connection ID does not match, Protocol Logic subsystem selects any remaining commands in list (step 12 and 14), determines whether are commands remaining in list 42 (step 14), and passes control back to step 10. If step 10 detects the matching connection ID, Protocol logic subsystem copies the acknowledgment number in the command to TCP header field in datagram 332 (col. 19, lines 56-67 & col. 20, lines 1-3). One ordinary skill in the art at the time of the invention interpreted the list of the connection IDs as to table of the parameters.

G. Applicant argued that prior art did not disclose “like parameters in different communication protocols are separately adjustable to adapt each communication protocol to a respective transport mechanism”.

As to applicant’s argument Solymar disclosed “It is contemplated herein that different communication mechanisms (i.e., modem, satellite link, RF link, etc.) can be provided at several of the communication ports. In such a scenario, the agent would poll the communication ports (corresponding to the different communication mechanism) to find free communication

mechanism” (col. 9, lines 22-27). One ordinary skill in the art at the time of the invention interpreted the different communication mechanism to different transport mechanism.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

11. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/A. M. M./

Examiner, Art Unit 2145

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145